



DEP:RBF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of)
Michael B. McGraw et al.) Art Unit: 3762
Patent No.: RE39,359) Examiner: S. Getzow
Issued: October 17, 2006) Atty. Dkt. No.: 000309.00011
For: PORTABLE MUSCLE STIMULATOR) January 29, 2007
WITH PULSE WIDTH CONTROL)

REQUEST FOR REFUND

Mail Stop 16
Commissioner of U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Patent Owner, through undersigned counsel, respectfully requests a refund of the amount of \$2,430.00 for the 7½-year maintenance fee (large entity) and surcharge. The Patent Owner respectfully submits that a refund is justified because the above-referenced maintenance fee in the above-identified patent was erroneously paid.

The above-identified reissue patent issued from a continuation of a reissue application that issued as RE 36,690. Therefore, under MPEP § 1415.01, no maintenance fee was ever due, and the payment of the maintenance fee was a mistake at the time.

Therefore, the Patent Owner respectfully submits that a refund of the fee for the maintenance fee and surcharge is justified and respectfully asks that the fee be refunded to the deposit account of Blank Rome LLP, Deposit Account No. 23-2185 (000309-00011).

Respectfully Submitted,

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